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EXAMINER	
BARQADLE, YASIN M	
ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/018,441	BURNETT ET AL.	
	Examiner	Art Unit	
	YASIN M. BARQADLE	2456	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 November 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *3,4,6-31,35 and 53-55* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *3,4,6-31,35 and 53-55* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 27,2009 has been entered.

Response to Amendment

2. The amendment filed on November 27, 2009 has been fully considered but are not persuasive.

In essence the Applicant has repeated the same arguments presented previously in which the Applicant argues the following:

Applicant argues, "Stewart fails to disclose or make obvious the monitoring of both internal and external networks. Stewart merely discloses the monitoring of a company's own network such as that of Sprint (see Col. 1, lines 30-31)." (Page 10, second paragraph).

The examiner disagrees. Stewart discloses monitoring a telecommunication network internally and externally. For example, "The CPPR report differs from the site reports in that they evaluate call processing health

of the site. The CPPR report focuses on issues that the external customer has a direct affect on, for example, translations, T-1 facility problems and SS7 problems, and is generated using raw OMs collected from the selected site. A call processing performance report 500 for a selected site may be seen by reference to FIG. 8" (Col. 16, lines 2-11; table I and performance report 500, fig. 8). Monitored information includes calls originating from sources outside of the network directed to destination device via switches 12a-12e.

The Applicants also argues the Office Action fails to disclose "server transaction events, bandwidth allocation events, resource allocation events, user login events, user logout events, server startup events, server shutdown events, real-time communication events, real-time communication error events, service events, and service error events;" (page 10 third paragraph).

The examiner finds this argument unpersuasive. The Examiner notes the claim requires one or more of the above events. Thus Stewart discloses one or more of the argued events for example, "Traffic data includes various traffic indicators such as call connection rate, call failure rate and total call attempts for the selected site and survey period and an evaluation of each listed indicator. Call impacting events are divided into plural groups of events which include customer controlled evens, switch accessibility events, translations and routing events, data quality events and facility/network events." (Col. 16, lines 11-21; table I and performance report 500, fig. 8).

The Applicants also argues "neither Stewart nor any of the other cited references disclose or make obvious generating a report in response to "receiving query parameter information from a user" as required by independent claim 54." (Page 10 second paragraph).

Examiner disagrees. "... the operator may request that selected utilities that reside at the site be used to perform selected operations. More specifically, the fourth region 308 is comprised of first, second, third and fourth subregions 372, 374, 376 and 378. From the first subregion 372, the operator may issue data requests for a selected site. Specifically, by selecting the first subregion 372, the operator will be presented with a menu which asks the type of data to be collected at a site and which site or sites of the telecommunications network 10 should the selected data type be collected." (Col. 19, lines 59 to col. 20, lines 17).

- The Double Patenting is maintained.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference

claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 54 and 55 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 11/932,802. Although the conflicting claims are not identical, they are not patentably distinct from each other. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3, 4, 10-28, 30, 35, and 53-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart (U.S. Patent No. 6,389,112).

As to claims 54, Stewart teaches a reporting system comprising:

at least one event monitoring subsystem for monitoring internal network system events, external network system events, and service events, including opening and closing connections (e.g., session logon/logoff, telnet connection/disconnection) (see Stewart at col. 6, ll. 34-44, table 1);

at least one database subsystem for recording the monitored events and for classifying the monitored events according to predetermined characteristics and attributes (time, description, number of events, critical/non-critical) (see Stewart at col. 10, ll. 51-53, col. 11, ll. 1-4, table 1); and

at least one reporting subsystem for receiving query parameter information (e.g., a selected day, a particular switch or the whole network, etc.) from a user and for generating a report (e.g., log file, graphs, etc.) in accordance with the query parameter information (e.g., a selected day, a particular switch or the whole network, etc.) (see Stewart at col. 10, ll. 36-41, col. 12, ll. 65-67, col. 14, ll. 49-53, col. 15, ll. 24-28).

Stewart shows various types of events that are monitored and logged including connection messages (logs include ftp link information and session logon and logoff information (see Stewart at table 1). Figure 1 shows calls between an originating terminal, for example, the telephone 14, coupled to the IXC network 10 by the LEC 18, and a destination terminal, for example, the

telephone 16. FIG. 8 shows a graphical illustration of a call processing ("CP") based evaluation of the health of the telecommunications network of FIG. 1.

As to claim 55, this claim is directed to a method for performing the operations of the system of claim 54 and is rejected for substantially the same reasons as claim 54.

As to claim 3, Stewart teaches that the monitoring subsystems are decentralized by being deployed among multimedia collaboration system networks (see Stewart at fig. 1).

As to claim 4, the decentralization results in an architecture that parallels the architecture of IXC network 10 (see Stewart at fig. 1).

As to claim 10, Stewart teaches that the at least one database subsystem further comprises at least one user login record operable to store information corresponding to user login events (see Stewart at table 1).

As to claim 11, Stewart teaches that user login records comprising supplemental information (see Stewart at table 1).

As to claim 12, Stewart teaches that the at least one database subsystem further comprises at least one user logout record operable to store information corresponding to user logout events (see Stewart at table 1).

As to claim 13, Stewart teaches that user logout records comprising supplemental information (see Stewart at table 1).

As to claims 14 and 15, Stewart teaches at least one call record operable to store event information corresponding to call events including timing information (see Stewart at col. 11, ll. 1-4, table 1).

As to claims 16 and 17, Stewart teaches at least one call record operable to store event information corresponding to call errors including timing information (see Stewart at col. 11, ll. 1-4, table 1).

As to claim 18, Stewart teaches that the at least one database subsystem further comprises at least one service record operable to store event information corresponding to the service events (see Stewart at table 1).

As to claim 19, Stewart teaches that the service record comprises session information (e.g., session logon/logoff) (see Stewart at table 1).

As to claim 20, Stewart teaches that the at least one database subsystem further comprises at least one service record operable to store event information corresponding to the service error events (e.g., file transfer errors) (see Stewart at table 1).

As to claim 21, Stewart teaches that the at least one service error record comprises timing information (see Stewart at col. 11, ll. 1-4).

As to claim 22, Stewart teaches that the at least one database subsystem comprises a plurality of localized databases (at switches 12), each localized database configured to store the monitored event information associated with a particular multimedia collaboration system network (e.g., IXC network 10), and a centralized database (24) configured to centrally maintain the stored

information associated with each of the plurality of localized databases (see Stewart at fig. 1).

As to claim 23, Stewart teaches that the at least one database subsystem comprises a centrally located database configured to maintain the monitored event information (see Stewart at fig. 1, table 1).

As to claim 24, Stewart teaches at least one database subsystem comprising a plurality of localized databases (at switches 12), a respective database of the plurality of localized databases configured to store the monitored event information associated with a particular multimedia collaboration system network (IXC network 10) (see Stewart at fig. 1).

As to claim 25, Stewart teaches that the at least one reporting subsystem is configured to generate either standard or customizable reports relating to the operation of the multimedia collaboration system network in response to the query parameter information (see Stewart at col. 10, ll. 36-41, col. 12, ll. 65-67, col. 14, ll. 49-53, col. 15, ll. 24-28).

As to claims 26 and 27, Stewart teaches that the reporting module, in response to the query, performs predetermined calculations on the event information to generate a report (see Stewart at col. 10, ll. 36-41, col. 12, ll. 65-67, col. 14, ll. 49-53, col. 15, ll. 24-28).

As to claims 28 and 30, Stewart teaches a machine-readable report file comprising textual and graphical data (see Stewart at col. 10, ll. 36-41, col. 12, ll. 65-67, col. 14, ll. 49-53, col. 15, ll. 24-28).

As to claim 35, Stewart teaches a general filter formatter (read: anything that filters a query parameter such as a selected day, etc.) (See Stewart at col. 10, ll. 36-41, col. 12, ll. 65-67, col. 14, ll. 49-53, col. 15, ll. 24-28).

As to claim 53, Stewart teaches event logs and WAN call progress signals (see Stewart at table 1).

Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart (U.S. Patent No. 6,389,112) in view of and Bryan (U.S. Pub. No. 2002/0188942).

As to claims 6 and 7, Stewart does not teach storing event information corresponding to startup events with supplemental information. However, storing such event information well known in the art, as evidenced by Bryan (see Bryan at ¶37). It would have been obvious to store such event information here because one of ordinary skill in the art would readily appreciate that doing so would provide administrators with as much information as possible to allow them to identify system problems.

As to claims 8 and 9, Stewart does not teach storing event information corresponding to shutdown events with supplemental information. However, storing such event information well known in the art, as evidenced by Bryan (see Bryan at ¶37). It would have been obvious to store such event information here because one of ordinary skill in the art would readily appreciate that doing

so would provide administrators with as much information as possible to allow them to identify system problems.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart (U.S. Patent No. 6,389,112) in view of and Ditmer (U.S. Patent No. 6,490,620).

As to claim 29, Stewart does not expressly show a comma separated report file. However, the CSV report format is a comma separated report format that was well known in the art, as evidenced by Ditmer (column 19, lines 35-43). It would have been obvious to use such a report format because doing so would allow for the reports to be easily read by a variety of applications.

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart (U.S. Patent No. 6,389,112) in view of Arango (U.S. Patent No. 6,724,747).

As to claim 31, Stewart does not teach providing services to a plurality of workstations, at least one of the workstations having a monitor for displaying visual images and A/V capture and reproduction capabilities for capturing and reproducing video images and spoken audio of the participants; and a data network providing a data path along which data can be shared among the

plurality of the workstations; and a data conference manager for managing the sharing of data between the plurality of workstations.

In a similar art, Arango teaches a plurality of workstations, at least one of the workstations having a monitor for displaying visual images and A/V capture and reproduction capabilities for capturing and reproducing video images and spoken audio of the participants; and a data network providing a data path along which data can be shared among the plurality of the workstations; and a data conference manager (call agent) for managing the sharing of data between the plurality of workstations (see Arango at abstract, fig. 2).

It would have been obvious to use Arango's system because it would provide clients with means for conveniently communicating with each other.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yasin M Barqadle/

Primary Examiner, Art Unit 2456